

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of NEKO JOHNSON, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

SHEILA ARIVETT,

Respondent-Appellant,

and

FRANK JOHNSON, JR.,

Respondent.

UNPUBLISHED

June 20, 2006

No. 267090

Berrien Circuit Court

Family Division

LC No. 05-000086-NA

Before: Kelly, P.J., and Markey and Meter, JJ.

MEMORANDUM.

Respondent-appellant appeals by right from the trial court's order terminating her parental rights to her minor child pursuant to MCL 712A.19b(3)(g), (i), (j), and (l). We affirm.

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence or in its best interests determination. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The testimony was clear that respondent-appellant's parental rights to two other children were terminated in 1996 because of her drug abuse, poor parenting, lack of housing and income, and instability. Respondent-appellant was provided many services before the prior termination, and she either refused to cooperate or failed to benefit from these services. Respondent-appellant argues that the goal of MCL 712A.19b(3)(i) and (l) is to reunite minor children with their parents when in fact the goal of the statute is to protect minor children. Respondent-appellant was still dealing with the same significant issues nine years after her parental rights to two other children were terminated, and she continued to be involved in activities that put this minor child at risk.

When the minor child was taken into care, there had been reports of his being left unattended in the parking lot of a motel while respondent-appellant was prostituting herself. Respondent-appellant did nothing to show the court that she could care for the minor child or

that he would not be at risk of harm if he were in her care. She was not working on any of the issues that brought the minor child into care. In fact, her activities did not appear to change. She admitted to the use of marijuana and to being beaten by the minor child's father in the child's presence. She did not have a legal source of income or a stable place to live. She refused to take advantage of services available to her and did not even bother to show up for one of the hearing dates. Respondent-appellant argues on appeal that the time period was too short from the time the minor child was taken from her care until the time that her parental rights were terminated and that she should have been given more time to show the court that she could care for the minor child and not put him at risk of harm. While there is no requirement that services be provided to a respondent when a petition is filed requesting termination at initial disposition pursuant to MCR 3.977(E), as it was here, petitioner did make services available to respondent-appellant. She did not take advantage of them. Respondent-appellant did not keep in contact with the DHS worker, did not have a stable place to live, and did not have a legal source of income. She did not avail herself of counseling or any other treatment options to show the court that she was addressing her drug abuse. Additional time was not merited.

We affirm.

/s/ Kirsten Frank Kelly

/s/ Jane E. Markey

/s/ Patrick M. Meter